

A27
CPA
3-16-04
mgCONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

 DUPLICATE

Address to:	Attorney Docket No. of Prior Application	81862P072C2
Assistant Commissioner for Patents Box CPA Washington, DC 20231	First Named Inventor	David A Hughes
	Examiner Name	Hsu, A.
	Group/Art Unit	2738
	Express Mail Label No.	EV151113812US

This is request for a continuation or divisional application under 37 CFR 1.53(d)
(continued prosecution application (CPA)) of prior application number 08/825,492,
filed on March 28, 1997, entitled Scheme for Merging Partially Filled ATM Cells.

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NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- Enter the unentered amendment previously filed on under 37 CFR § 1.116 in the prior nonprovisional application. *08/177,004 08/000001 08/25492*
- A preliminary amendment is enclosed. *02.00 00.00 00.00*
- This application is filed by fewer than all the inventors named in the prior application (37 CFR 1.53 (d)(4)).

- DELETE** the following inventor(s) named in the prior nonprovisional application:

- The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

- A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.

- Information Disclosure Statement (IDS) is enclosed:

- PTO-1449
- Copies of IDS Citations

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (i))	31 -20* =	11	x \$ <u>18.00</u> =	\$ 198.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	4 -3** =	1	x \$ <u>84.00</u> =	84.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+\$ <u> </u> =	
				BASIC FEE (37 CFR 1.16)	740.00
				Total of above Calculations =	\$1,022.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	• Reissue claims in excess of 20 and over original patent. • Reissue independent claims over original patent.			TOTAL =	\$1022.00

6. Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. - 02 2666:

- a. Fees required under 37 CFR 1.16.
- b. Fees required under 37 CFR 1.17.
- c. Fees required under 37 CFR 1.18.

8. A check in the amount of \$1,022.00 is enclosed.

9. Payment by credit card. Form PTO-2038 is attached.

10. Applicant requests suspension of action under 37 CFR 1.103(b) for a period of months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) enclosed.

11. New Attorney Docket Number, if desired
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

12. a. Receipt for Facsimile Transmitted CPA (PTO/SB/29A)
b. Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

13. Other: Postcard

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NOTE: *The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.*

10. NEW CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label



08791

or Correspondence address:

Name	Tarek N. Fahmi Blakely, Sokoloff, Taylor & Zafman LLP				
Address	12400 Wilshire Boulevard, Seventh Floor				
City	Los Angeles	State	California	Zip Code	90025-1030
Country	USA	Telephone	(408) 947-8200	Fax	(408) 947-8280

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME (Print/Type)

Tarek N. Fahmi

SIGNATURE

Registration No. (Attorney/Agent)

411402

DATE

October 18, 2002



PTO-SB-15 (11-00)
Approved for use through 10/31/2002. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	David A Hughes
Title	Scheme for Merging Partially Filled ATM Cells
Attorney Docket Number	81862P072C2

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

10/18/02

Date

Tarek N. Fahmi, Reg. No. 41,402

Typed or printed name

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This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 112(b)(2)(B)(iii)).**